

MINUTES  
MOUNT VERNON CITY COUNCIL  
DECEMBER 15, 2014

The Mount Vernon City Council met December 15, 2014 at the Mount Vernon City Hall Chambers with the following members present: Roudabush, Taylor, Thompson, Niemi, and Hampton.

1. Call to Order. At 6:30 p.m. Mayor James Moore called the meeting to order.
2. Approval of Agenda. Motion made by Hampton, seconded by Niemi to approve agenda. Carried all.
3. Consent Agenda. Motion made by Niemi, seconded by Thompson to approve Consent Agenda. Carried all.
  - a. Approval of minutes of December 1, 2014.
  - b. Claims for approval.

RATHJE CONSTRUCTION	PAY EST #4/7TH STREET RECON	103,337.66
AHLERS & COONEY P.C.	MCDC PROFESSIONAL SERVICES	830.00
AIRGAS INC	CYLINDER RENTAL-RUT,WAT,SEW	25.25
ALLIANT ENERGY	ENERGY USAGE-WAT	3,462.97
ALLIANT ENERGY	ENERGY USAGE-SHOP/RUT	1,322.89
ALLIANT ENERGY	ENERGY USAGE-CITY HALL/P&A	842.77
ALLIANT ENERGY	ENERGY USAGE-FD	565.79
ALLIANT ENERGY	ENERGY USAGE-P&A	480.32
ALLIANT ENERGY	ENERGY USAGE-SEW	419.56
ALLIANT ENERGY	ENERGY USAGE-P&REC	169.58
ALLIANT ENERGY	ENERGY USAGE-KMVL	113.28
ALLIANT ENERGY	ENERGY USAGE-POOL	101.05
ALLIANT ENERGY	ENERGY USAGE-ST LIGHTS	92.57
ALLIANT ENERGY	ENERGY USAGE-EMA	23.91
ANDREWS, CHRISTIAN	UNIFORMS-PW	89.98
BALICEK, RITA	CLEANING SERVICE-P&A	87.50
BALICHEK, RITA	CLEANING SERVICE-P&A	52.50
BARNYARD SCREEN PRINTER LLC	UNIFORMS-PW	281.00
BARNYARD SCREEN PRINTER LLC	UNIFORMS-PW	122.50
BARNYARD SCREEN PRINTER LLC	UNIFORMS-PW	80.00
BARNYARD SCREEN PRINTER LLC	UNIFORMS-PW	58.00
BAUMAN AND COMPANY	UNIFORMS-PW	132.90
BENHART, SHERRIE	CLEANING SERVICE-P&A	87.50
BENHART, SHERRIE	CLEANING SERVICE-P&A	52.50
BSN SPORTS COLLEGIATE PACIFIC	SUPPLIES-P&REC	3,679.96
CAMPBELL SUPPLY CEDAR RAPIDS	GLOVES-PW	67.85
CARQUEST OF LISBON	VEHICLE MAINT-PW	854.81
CENTRAL IOWA DIST	SUPPLIES-ALL DEPTS	539.10
CENTRAL IOWA DIST	SUPPLIES-RUT	105.80
CENTURY LINK	PHONE CHGS-PD	50.30
COMPASS MINERALS	TREE SPADE-P&REC	100.00
CORRIDOR CARTRIDGES	INK CARTRIDGES-P&REC	111.28
DAUBS, DANIEL	MILEAGE-PD	34.16
ELECTRONIC ENGINEERING CORP	PAGER SERVICE-EMA	11.95

FUTURE LINE TRUCK EQUIPMENT	VEHICLE REPAIRS-RUT	42.65
GAZETTE COMMUNICATIONS	DEMOLITION ORD-P&A	98.96
GOODLOVE, NATHAN	FIRE CHIEF PAY-FD	416.67
HAWKINS, IN	CHLORINE-WAT	1,391.50
INT'L ASSOC OF EMERGENCY	MEMBERSHIP-P&A	185.00
IOWA DEPT OF TRANSPORTATION	SNOW FENCE,POSTS-RUT	1,802.78
IOWA ONE CALL	LOCATES-WAT,SEW	39.60
IOWA PRISON INDUSTRIES	POSTS,RIVETS-RUT	1,152.00
KONE	ELEVATOR MAINT CONTRACT-P&A	155.49
KONICA MINOLTA	MAINT PLAN/COPIES-ALL DEPTS	447.46
LANGES SINCLAIR SERVICE	MOUNT TIRE-PD	20.00
LANGES SINCLAIR SERVICE	TIRE REPAIR-RUT	14.00
MIDWEST BREATHING AIR	QRTLY AIR TEST-FD	72.46
MOEL, STEVE	FITNESS CLUB MEMBERSHIP-PD	100.00
MOUNT VERNON ACE HARDWARE	SUPPLIES-ALL DEPTS	964.67
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-ALL DEPTS	1,018.44
MOUNT VERNON LISBON SUN	CABLE TV/ONLINE	260.00
P&K MIDWEST	SWITCH-RUT	14.89
PAYROLL	CLAIMS	78,963.44
PREFERRED ROOFING LLC	RUBBER PATCH/OLD F.S-LOST 1	780.00
RATHJE CONSTRUCTION	PAY EST #5 FINAL/7TH STREET RECON	29,550.85
ROTO ROOTER	CAMERA/2ND TO 5TH AVE,VAC 5TH	1,475.00
ROTO-ROOTER	CLEAN LINE-7TH & 7TH NW	220.00
RUBICON INC	ADS-P&REC,POOL	300.00
SECRETARY OF STATE	NOTARY PUBLIC RENEWAL-P&A	30.00
SHEPLEY PHARMACY	SUPPLIES-P&A,P&REC	11.56
SPRINGER PEST CONTROL	PEST CONTROL-P&A	30.00
ST LUKE'S WORK WELL SOLUTIONS	DRUG TEST-PW	60.45
STAPLES ADVANTAGE	SUPPLIES-P&A	287.92
STAPLES ADVANTAGE	SUPPLIES-ALL DEPTS	189.73
STATE HYGIENIC LAB	TESTING-SEW	1,241.50
THOMPSON TRUCK & TRAILER INC	KEYS-PW	16.52
TRAYER, DEAN	KMVL RENT/JAN	250.00
TRAYER, DEAN	KMVL RENT/FEB	250.00
TRAYER, DEAN	KMVL RENT/MAR	250.00
TREASURER STATE OF IOWA	SALES TAX-ALL DEPTS	4,311.00
UNITED STATES POSTAL SERVICE	METER POSTAGE-ALL DEPTS	2,000.00
UNITYPOINT CLINIC	DRUG TESTING-PW	74.00
US CELLULAR	CELL PHONE-PD	116.42
WENDLING QUARRIES	ROAD STONE/SHOP LOT-RUT	254.59
WEX BANK	FUEL-PD,PW	1,690.10
WEX BANK	FUEL-PW	1,202.85
TOTAL		250,139.69

c. Certificate of Appreciation to Andrew Mlynarczyk for his service on the Historic Preservation Commission.

4. Open forum: each citizen limited to 5 minutes per discussion item.

5. Mayoral appointment of Bill Niemi as Mayor Pro Tem effective January 1, 2015. Mayor Moore announced that he would be appointing Bill Niemi as Mayor Pro Tem effective January 1, 2015 and thanked Thompson for her service this past year.
6. Discussion and possible action on Mayoral recommendation to appoint Paul Waelchli to Historic Preservation Commission to fill vacancy left by Andrew Mlynarczyk. Niemi stated that he knew Waelchli personally and felt he was a very good candidate for this position. Taylor said that Waelchli was an excellent choice. He represents Cornell and he sees the connection that Mary Iber had with Historic Preservation and he wants to continue in that line. Taylor went on to say that it makes sense for our community library to be connected to Historic Preservation in this community. Niemi made a motion to approve mayoral recommendation to appoint Waelchli to Historic Preservation Commission. Seconded by Hampton. Carried all.
7. Cole Public Library year-end report by Cathy Boggs. Boggs addressed Council with the year-end report for Cole Public Library to explain how funds are being used each. Summer reading was expanded this year by providing something each day of the week. During the school year the library partnered with the middle school and elementary school for services. A book drop box has been placed at City Hall that is emptied each day. There was a fun run this year to raise money for a special project at the library. The library is now doing a "Book Buddy" program for in-home daycare providers, with books being delivered and picked up.
8. Request from Keith Huebner to address Council regarding pending disposal of real estate. Keith Huebner addressed Council with concerns regarding the potential sale of City owned property on 2<sup>nd</sup> Avenue SW. He stated that because previous Councils and current Council seem to go to public bid or sealed bid for everything from acquisition of property to disposal of property and per Mount Vernon Code 5.07(9) and State of Iowa Code 362.5 that states "Contracts made by a city, upon competitive bid in writing, publicly invited and opened." He finds it interesting why the City would sell a piece of land without having an actual bid process for it. It is his request that Council reconsider bringing that per the code, have a competitive bid and put it out for the rest of the public to bid on. If that's not exactly the reading of the code, he suggests that Council re-write the code, because otherwise future Council will be able to dispose of property for \$1 because they feel like it without those people that are working for the taxes having an opportunity to bid on it.

City Attorney Bob Hatala stated that the disposal of public property is covered by Iowa Code 364.7, which does not require a bid process. The terms of the agreement also required that the purchaser assume all responsibility for any hazardous waste or materials. The purchaser also is required to bring the entire building up to code by mid-July of 2015. If it is not brought up to code within that time period it reverts back to the City of Mount Vernon. The minimum estimate to do that, as he understands, is about \$45,000. In addition to that the purchaser has agreed to pay all costs and expenses associated with preparing the documents, including platting and surveying. Hatala said that the sale price of \$1 was not the recognition of the entire agreement and what other considerations the purchaser is to comply with. Heubner's rebuttal to that was if

he agreed to give the City \$2,500 plus agree to all of the other items, would that be a better deal for him as a taxpayer and the rest of the taxpayers in the City? He stated the answer would be “yes” and again, without putting it out per our code, it is a contract that the City is entering into, and he is wondering if we enter into a contract, why is it not by open, sealed bid.

Taylor asked about the further complications that have been added to this arrangement and asked that someone explain it so that everyone understood. Hatala stated that Mount Vernon Code is more restrictive than the Iowa Code. The Iowa Code requires that if the parcel is split up in three or more parcels it requires going through a platting process unless the property is being transferred to another public entity for a public purpose. Mount Vernon Code requires that process through a minor subdivision plat if the parcel is split into two parcels. It should be a fairly succinct procedure. He has talked to the Night Shift personnel about it and they understand the process. This process would add about \$500 to the cost to the purchaser. Hatala went on to say that this process would be a minor subdivision platting process. It requires that you have certain things listed out in the application, for instance it requires that you show where the utilities are, whether there is street access and those kinds of things that are part of the application process. The most time consuming thing is engineering work with the plat. A public hearing is required before Planning and Zoning and then brought to Council for approval of the splitting of the lots. Taylor stated that the reason for her asking is to have a clearer understanding because she feels that the City has made a grievous error in selling this property and she keeps hoping there is a way to make up for that mistake. She stated that the property is very valuable. It is part of our parking lot and she thinks in the future that land is going to be much more valuable to us and we won't be able to get it back cheaply. It would have cost \$5,000 to \$10,000 to demolish the building but someday down the road when we want to put up some type of structure to support our downtown with that piece of land, we are going to have to buy back from whomever owns it. She feels that the City could be held hostage with this small piece of property that we need. Thompson asked Beimer what the estimate was for demolition on the building. Beimer responded \$5,000 to \$10,000.

Niemi asked for clarification from the City Attorney as to whether the process that the City has followed up until now, which included public notification and a public hearing and resolution that passed by Council, and everything that has been done so far as far as transferring this property is within strict compliance with City ordinance and State code. Hatala stated that he had not gone back and looked at the section that Mr. Huebner referred to with respect to contracts but his guess is that probably applies primarily to purchases as opposed to disposal. The City has typically, for projects beyond what would be required under Chapter 26 for public improvement, has sought bids or request for proposals. He feels that 364.7 of the Iowa Code has been complied with. Niemi asked if there had been any violations of City or State code, what would be the City's course of action? Hatala said it would depend on what the defect in the process was. Niemi asked Hatala to verify the process to make sure that the City was in compliance with all applicable laws.

9. Parks and Recreation Director Report. Siders reported that the Mount Vernon High School baseball program is going to utilize Field E at Elliott Athletic Complex. A partnership has been worked out that they are going to share some of the responsibility in maintaining the field. A questionnaire has been sent to Council and Mayor from the Parks and Recreation board as they are working on their Master Parks Plan. Siders has discussed some capital improvement projects with V&K Engineering. Both lego robotics teams have qualified for the state championships. Members of the high school student council helped out during Magical Night where there were 424 cookies handed out.
10. Police Chief Report. Winder reported there were 8 crashes in November. During the month there was 22 hours of S.T.E.P. enforcement completed. All three squad cars are up and running. Winder reminded people of Christmas related crimes while shopping and also at homes. There is an IRS scam going around and asked people not to give our personal information by phone or e-mail. The new speed sign is up at 10<sup>th</sup> Avenue and Highway 30.
11. Discussion and possible action on Resolution #12-15-2014A: A Resolution eliminating parking on the south side of 7<sup>th</sup> Street NE from 8<sup>th</sup> Avenue NE to 5<sup>th</sup> Avenue NE. Motion made by Taylor, seconded by Hampton to approve Resolution #12-15-2014A. Roll call all yes.
12. Discussion on proposed Demolition Ordinance. Guy Booth, who was on a sub-committee that helped develop the demolition ordinance, gave Council an overview of the proposed ordinance. Booth said the most important question was whether this type of ordinance was needed. He feels in his opinion and the community wide opinion is that we need an ordinance that helps protect the natural history and beauty of this community. Our economic development and CDG relies on the nature of the community and its buildings and we know we have a good tax base. One of the major reasons to look at this is to protect the community from the loss of significant properties. If a property is going to be demolished, let the City Council and the owner of the property have a period of time in which they can review it to see if there are other alternatives and possibly give other people the opportunity to step in and purchase the property, or if it is an older building go in and photograph it and do a history of the property so there is some record of its usefulness and purpose in this community. Guy went on to say that what concerns him is that there are three historic districts in Mount Vernon but if there is a historic building that is not in a historic district, there is nothing protecting that. If there was a structure damaged by something such as storm or fire, the process of demolition would be very quick. The process would be a little longer if the structure was found to have historic value.

Niemi asked if Booth could give any specific examples of properties that have been lost in the last five or 10 years that the outcome would have been different if we would have had this ordinance in place. Booth stated that the small building behind Mount Vernon Bank would be one. There was also an old red brick house between Mount Vernon Bank and the Red Brick building that was demolished. Another building that was lost was a building where the current Visitor's Center is. Another example would be when the old City Hall and other buildings burned down and the owner of one of the buildings left a hole in the ground for several years

without doing anything. Taylor said the important thing that this ordinance does is give people a chance to think a little bit more about the issue rather than to go ahead with plans immediately. Mayor Moore is concerned about structures that are damaged beyond repair needing to comply with a waiting period before demolition can be done. He doesn't want someone else making those decisions if it is that bad. Niemi felt that the City needed to be sensitive to property owner's rights in this ordinance. Thompson said she had done extensive research on this subject and found that the Mount Vernon building code does have primacy over demolition and if the building code is what we are going to use for demolition then everything has to follow one after the other. Thompson also said that the proposed ordinance was kind of broad and would need more work and she still had questions on it. Resident Robert Wright said that most small towns have a very limited tax base and this should be looked at from an economic standpoint. He said that Mount Vernon needs an extended tax base and housing is at a premium. Roudabush asked if maybe a list of properties could be put together that were deemed to be historical and if a property was on this list then the new ordinance would apply only to them. He said this would alleviate a lot of extra work for the committee to go over and wouldn't be such a burden on the property owners to go through the waiting period. Booth does not see how a 14 day turnaround (unless it was of historic value) for a permit would be a burden to anyone but would be a protection for the City.

Hatala stated that the first question is should Mount Vernon have a demolition ordinance that is designed to protect the destruction of historically significant buildings. If the answer is yes, he suggests having a committee with one or two Council members, Guy Booth and someone from Historic Preservation Commission to work through some of the questions and come back with something that meets that goal. All Council members agreed. Mayor Moore assigned Thompson and Niemi to be part of the committee to review the ordinance.

13. Engineering Update Report. Dave Schechinger of Veenstra & Kimm gave a brief summary of engineering projects being worked on. On 3<sup>rd</sup> and 5<sup>th</sup> Avenue as well as Lisbon Road, pavement cores were conducted and surveying is nearly complete. The engineering report is being completed for the Bryant Park well. The water plan filter has been reviewed onsite and estimates have been received from Vessco, Inc. The generator air quality permits that were required were submitted and still have not received any comments back. Survey work is being done on the sewer rehabilitation projects and they hope to have preliminary plans for those after the holidays. V&K is working with Matt Siders to review past trail planning documents. The structural engineer stopped and did a quick review on the 1<sup>st</sup> Street wagon pass. He indicated a load rating is recommended to determine if a load restriction should be posted. Preliminary reports indicate it is deteriorated beyond the point it would be recommended to conduct repairs.
14. Old Business.
15. New Business. Mayor Moore thanked the City employees, Police Department and Fire Department for all of their work this past year.

16. Discussion of strategy for collective bargaining with both bargaining units. Possible closed session pursuant to Iowa Code Section 20.17. At 7:51 p.m. Niemi made a motion to go into closed session, seconded by Thompson. Carried all. At 8:37 p.m. Hampton made a motion to come out of closed session, seconded by Niemi. Roll call all yes. No action taken.

As there was no further business to attend to the meeting adjourned, the time being 8:37 p.m., December 15, 2014.

Respectfully submitted,  
Marsha Dewell  
Deputy Clerk

Reviewed and approved  
Michael R. Beimer  
City Administrator